

Exhibit "A"DELIVERED: 3/23/22
By: KL

PRIVATE PROCESS

Case Number: 2022CI04585

ERICK VAZQUEZ-CHAVEZ VS COMMERCE
GARDENS, LLC
(Note: Attached Document May Contain Additional
Litigants)

IN THE 37TH DISTRICT COURT

BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: **COMMERCE GARDENS, LLC**
BY SERVING ITS REGISTERED AGENT CORPORATION SERVICE COMPANY D/B/A CSC-LAWYERS
INCO

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00am on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org" Said Plaintiff's Original Petition was filed on this the 11th day of March, 2022.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT on this the 17th day of March, 2022

DANIEL E PEREZ
ATTORNEY FOR PLAINTIFF
9601 McAllister Freeway,
Suite 914
San Antonio, Texas 78216**Mary Angie Garcia**
Bexar County District Clerk
101 W. Nueva, Suite 217**San Antonio, Texas 78205**
By: /s/ Luis Herrera
Luis Herrera, Deputy

ERICK VAZQUEZ-CHAVEZ VS COMMERCE GARDENS, LLC

Case Number: 2022CI04585
37th District Court**Officer's Return**

I received this CITATION on the _____ day of _____, 20____ at _____ o'clock ____ M. and () executed it by delivering a copy of the CITATION with attached PLAINTIFF'S ORIGINAL PETITION the date of delivery endorsed on it to the defendant _____ in person on the _____ day of _____, 20____ at _____ o'clock ____ M. at _____ or () not executed because _____.

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

Texas

BY: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, A.D., _____.

Declarant

GTH = 3/23/22 at 1:25 PM

Exhibit "A"

FILED
 3/11/2022 4:06 PM
 Mary Angie Garcia
 Bexar County District Clerk
 Accepted By: Consuelo Gomez
 Bexar County - 37th District Court

2022CI04585

CIT PPS

CAUSE NO. _____

ERICK VAZQUEZ-CHAVEZ*Plaintiff,*

v.

COMMERCE GARDENS, LLC*Defendant.*
 §
 §
 §
 §
 §
 §
 §
 §
 §
IN THE DISTRICT COURT**BEXAR COUNTY, TEXAS**____ **JUDICIAL DISTRICT****PLAINTIFF'S ORIGINAL PETITION**

Plaintiff, Erick Vazquez-Chavez (hereinafter, "Plaintiff") complains of Defendant, Commerce Gardens, LLC, (hereinafter, "Defendant"), and would respectfully show the Court that:

Discovery Control Plan

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

Jurisdiction and Venue

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and venue is proper because all or a substantial part of the events or omissions giving rise to the claim occurred in Bexar County, Texas.

Statement Regarding Monetary Relief Sought

3. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney's fees and judgment for all other relief to which Plaintiff is justly entitled. Plaintiff expressly reserves the right to amend this Rule 47 statement of relief if necessary. Plaintiff further pleads that the amount in controversy in this matter does not exceed \$75,000.00.

Exhibit "A"

Parties

4. Plaintiff is an individual residing in Bexar County, Texas.
5. Defendant, Commerce Gardens, LLC, Texas (hereinafter "Defendant"), is a Delaware corporation engaged in business in Bexar County, Texas. Defendant may be served with process by serving its registered agent, CORPORATION SERVICE COMPANY D/B/A CSC-LAWYERS INCO, at 211 East 7th Street, Suite 620, Austin, Texas 78701.

Facts

6. This lawsuit is necessary as a result of personal injuries that Plaintiff received on or about November 11, 2021. At that time, Plaintiff was an invitee at Defendant's property at 3144 East Commerce Street, San Antonio, Texas 78220. Plaintiff in his apartment when he heard his trucks alarm go off. Plaintiff exited his apartment to investigate and as he approached his vehicle he noticed two individuals. One was underneath his vehicle and the other was standing watch. Plaintiff was shot by the individual standing watch. The plaintiff was shot in his torso and suffered severe injuries as a result. At the time, the parking area was poorly lit and numerous lights were not working. At the time, the property was supposed to be a closed-gate community. There were no warning signs present or any other signs of caution near the area where the incident occurred.
7. At the time of the incident in question, Plaintiff was an invitee of the Defendant. Defendant knew or should have known of the unreasonably dangerous condition and neither corrected nor warned Plaintiff of it. Plaintiff did not have any knowledge of the dangerous condition and could not have reasonably been expected to discover it. Defendant either created the condition and/or failed to correct the condition or to warn Plaintiff about the dangerous condition, which constituted negligence, and such negligence was a proximate cause of the occurrence in question and Plaintiff's resulting injuries.

Exhibit "A"

8. Plaintiff would show that, based on the above-described facts, Defendant was negligent. Defendant, as occupier and owner of the premises, with control over the premises, had a duty to inform Plaintiff of the dangerous condition and make safe the defective condition existing on Defendant's premises.

9. Defendant is liable to Plaintiff under the theory of premises liability and negligence based on the following negligent conduct:

- a. Failure to maintain the premises with proper lighting and security in a reasonably safe condition;
- b. Failure to inspect the premises for proper lighting and securing where the dangerous condition existed;
- c. Failure to correct the condition by taking reasonable measure to safeguard persons who entered the premises;
- d. Failure to inform Plaintiff of the dangerous condition existing on the premises;
- e. Other acts deemed negligent.

10. Each of the foregoing negligent acts and/or omissions, whether taken singularly or in any combination, was a proximate cause of Plaintiff's injuries and damages that are described below.

11. Defendant was also negligent in that it failed to act as a reasonably prudent premise owner would act in the same or similar situation.

Damages

12. As a result of these acts or omissions, Plaintiff sustained damages recognizable by law.

13. By virtue of the actions and conduct of Defendant as set forth above, Plaintiff was seriously injured and is entitled to recover the following damages:

- a. Past and future medical expenses;
- b. Past and future pain, suffering and mental anguish;
- c. Past and future physical impairment;

Exhibit "A"

- d. Past and future physical disfigurement; and
- e. Past lost wages and future loss of earning capacity.

14. By reason of the above, Plaintiff is entitled to recover damages from Defendant in an amount within the jurisdictional limits of this Court, as well as pre and post-judgment interest.

Rule 193.7 Notice

15. Plaintiff hereby gives actual notice to Defendant that any and all documents produced may be used against Defendant at any pre-trial proceeding and/or at trial of this matter without the necessity of authenticating the documents.

Initial Disclosures

16. Pursuant to Texas Rules of Civil Procedure 194, Defendant must, without awaiting a discovery request, provide the information or materials described in TEXAS RULE OF CIVIL PROCEDURE 194.2 within 30 days of being served with this petition.

Prayer

Plaintiff prays that this citation issue and be served upon Defendant in a form and manner prescribed by law, requiring that Defendant appear and answer, and that upon final hearing, Plaintiff have judgment against Defendant in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post judgment interests, all costs of Court, and all such other and further relief, to which she may be justly entitled.

Exhibit "A"

Respectfully Submitted,

DASPIT LAW FIRM

/s/ Daniel Perez

Daniel Perez

Texas State Bar No. 24092958

9601 McAllister Freeway, Suite 914

San Antonio, Texas 78216

Telephone: (210) 526-0533

Facsimile: (713) 587-9086

E-Service E-mail: e-service@daspitlaw.com

ATTORNEY FOR PLAINTIFF

Exhibit "A"**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Victoria Rivera on behalf of John Daspit
Bar No. 24048906
victoria@daspitlaw.com
Envelope ID: 62548877
Status as of 3/14/2022 8:05 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
John Daspit		e-service@daspitlaw.com	3/11/2022 4:06:23 PM	SENT
John A Daspit		Eservice@daspitlaw.com	3/11/2022 4:06:23 PM	SENT
DANIEL PEREZ		DANIEL@DASPITLAW.COM	3/11/2022 4:06:23 PM	SENT
Victoria Rivera		victoria@daspitlaw.com	3/11/2022 4:06:23 PM	SENT
Alma Lira		Alira@proactivelegal.com	3/11/2022 4:06:23 PM	SENT
Jaime Holder		jholder@proactivelegal.com	3/11/2022 4:06:23 PM	SENT